

09/845,231

F0630

REMARKS

Claims 1-7, 28-30, 35 and 36 are currently pending in the subject application and are presently under consideration. Claims 1, 28, 36 and 36 have been amended herein – these amendments do not raise any new issues requiring further search or consideration over that of claims already substantively examined. Accordingly, entry and consideration of these amendments is respectfully requested. Claim 6 has been cancelled. Claims 8-27 and 31-34 have been withdrawn from consideration in this prosecution. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-5, 28-30, 35 and 36 Under 35 U.S.C. §102(b)

Claims 1-7, 28-30, 35 and 36 stand rejected under 35 U.S.C. §102(b) as being anticipated by Moslehi (US 5,270,222). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Moslehi does not teach or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 (and similarly independent claims 28, 35 and 36) has been amended herein to recite a monitoring system adapted to control thin film deposition in semiconductor manufacturing *which employs a nonlinear training system*. (See page 3, lines 5-7 and page 12, lines 26-27). Specifically, the monitoring system utilizes light based inspection to detect structural irregularities (e.g., pinhole, air bubble, depression)

09/845,231

F0630

associated with the deposited thin film. (See page 3, lines 13-20). Measured signatures generated from light reflected by the thin film are compared to a database of desired signatures to more precisely control the thin film deposition. (See page 4, lines 18-21). Moslehi does not teach or suggest such limitations of the subject invention as recited in the subject claims.

More particularly, Moslehi does not teach or suggest a monitoring system that employs a *nonlinear training system* to determine deposition parameter adjustments to the one or more deposition components according to data received by the monitoring system. Instead, the Examiner relies on Erhardt, *et al.* to teach this limitation. In anticipation of a 35 U.S.C. §103(a) rejection, it is noted that such rejection would be improper since the subject application and the reference (Erhardt *et al.*), at the time the invention was made, owned by or subject to an obligation of assignment to Advanced Micro Devices, Inc. Thus, pursuant to 35 U.S.C. §103(c), Erhardt *et al.* is disqualified as a 35 U.S.C. §103(a) prior art reference. Accordingly, for the above-mentioned reasons, it is submitted that Moslehi does not anticipate or suggest applicants' invention as recited in independent claims 1, 28, 35 or 36 (or claims 2-7 and 29-30 which depend therefrom), and this rejection should be withdrawn.

II. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moslehi (US 5,270,222) in view of Erhardt *et al.* (US 6,513,151 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claim 6 has been cancelled herein.

III. Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moslehi (US 5,270,222) in view of Robinson *et al.* (US 6,541,783 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Moslehi in combination with Robinson *et al.* individually and in combination, do not

09/845,231

F0630

teach or suggest all limitations of the subject claims. For reasons provided *supra*, Moslehi does not teach or suggest the limitations of independent claim 1 and Robinson *et al.* does not make up for the aforementioned deficiencies. Accordingly, this rejection should be withdrawn.

IV. Conclusion

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731